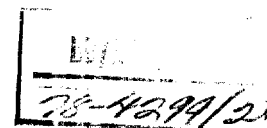


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21 NOV 1978

MEMORANDUM FOR: Deputy Director for Administration

ATTENTION : Michael J. Malanick

FROM : Sayre Stevens
Deputy Director, National Foreign Assessment Center

SUBJECT : Implementation of E.O. 12065

REF : Memo from ADDA, 14 November 78, Same Subject

The National Foreign Assessment Center has the following comments on the documents developed by the Classification/Declassification, Markings and Training Task Force for the proposed implementation of E.O. 12065.

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Tab A. Regulation (HR ☐)

No comments

Tab B. Implementation Handbook (HHB ☐)

25X1

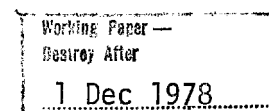
Para 3d - Reasons for Duration of Classification (p. 4)

line 4: suggest that phrase "from experience and common sense" be changed to "analytical knowledge and experience" to more accurately reflect NFAC reasoning.

3d (1 through 4)

While the justifications for extending the classification beyond six years cover all contingencies, the inclusion in (4) of such diverse subjects as intelligence, military, diplomatic, nuclear, and cryptologic would invite confusion in the advent the reason for an extension was challenged. It is a grouping of unlike items for which the duration of classification will vary and lead to non-uniformity in classification.

A list of the reasons used by NFAC for the extension of classification is attached as Enclosure 1.



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Para 9g - Other Categories of Information Related
to National Security (p. 11)

The NFAC Classification Working Group had a number of items under this category provided for in E.O. 12065. They are attached for your information as Enclosure 2. This category was used in an effort to promote uniformity in the use of the guide. The option was scattering the subcategories in one or more of the categories a through f. If we are denied use of category g, the subcategories contained under it would need to be reported one or more times under the remaining six categories leading to confusion on the part of those needing to classify information in the areas of DCI support to the President and the NSC, and in the use of unclassified data.

Para 9g(1)

It is recommended that the word "immediate" be removed from the subcategory in the Handbook. To define what would place a person in immediate jeopardy would call for a judgment on the part of the classifying official which could not be applied uniformly.

Para 10a - Derivative Classification Authority (p. 11)

The last sentence of this paragraph limits the classification of information until 1 April 1979 to only those officials with original classification authority. No reason is given for this four month delay in the use of the classification guides by those having derivative classification authority.

Para 10e (p. 12)

The NFAC Working Group in drafting the NFAC Classification Guide provided for occasions when the final product needed to be classified at a higher level than sources used. This subparagraph limits this authority to a person having Top Secret original classification authority. It should be amended to include use of the classification guide.

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Para 11d (p. 13)

Again the caveat that until 1 April 1979 only officials with original classification authority are authorized to classify information. No explanation of why the four month delay is necessary is included.

Tab C. Issues Paper

Para D - Category g Items

This is covered in comments above. We believe NFAC needs to use Category g as it promotes uniformity when using the guide to classify. We see no reason why its use would bring the Agency into conflict with ISOO as reasoned in the Issues Paper.

Para G

NFAC would need access to the Classification Guides from other directorates to cover subjects not specifically dealt with in NFAC's Guide. Subjects such as personnel, training, evaluations, etc. would be covered in detail by the DDA Guide; use of cover, sources by the DDO; and certain collection systems by the DDS&T.

Para H

In NFAC there will need to be wider use of Classification Guides than envisioned in this paragraph if we are not to be hung-up by procedures. In short deadline situations, the writer is in the best position to know what sources he used and if he needs to use a guideline for classification.

Tab D. Waivers Paper

NFAC requested a waiver from the portion classifications requirement of E.O. 12065 for three publications:

(1) *The President's Daily Brief*

The Markings Task Force could not reach a decision on this request--the reasoning being that the President would be exempting himself from his own rules.

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(2) *National Intelligence Estimates*

(3) Certain Short Deadline Papers

It was recommended by the Task Force that both of these not be forwarded for approval.

I protest vigorously these decisions and feel that NFAC has been more than restrained in seeking waivers from the portion classification requirements of E.O. 12065 in view of the large and varied production we have in the Center. The justification provided by Mr. Walsh in his memorandum of 25 September 1978 requesting waivers meets the criteria specified in E.O. 12065 and is in keeping with the spirit of the Executive Order. The decisions of the Marking Task Force is appealed for reasons given in the memorandum.

[Redacted Signature Box]

Sayre Stevens

25X1

Attachments:
As stated

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~~Tab A~~
Enclosure 1

JUSTIFICATION FOR EXTENDED CLASSIFICATION BEYOND SIX YEARS

Only officials with Top Secret classification authority and agency heads listed in Section 1-2 may classify information for more than six years from the date of the original classification. This authority shall be used sparingly. In such cases, a declassification date or event, or a date for review, shall be set. This date or event shall be as early as national security permits and shall be no more than twenty years after original classification, except that for foreign government information the date or event may be up to thirty years after original classification. (Sec. 1-402, E.O. 12065)

The following have been authorized as justifications for extension of classification beyond six years. The appropriate item is cited in the Guide under the column heading "Justification".

Item

1. The information is foreign government information as set forth in Executive Order 12065.
2. The information is specifically protected by statute or treaty.
3. Continued protection of the information is essential to the national security because it reveals intelligence sources or methods which, if lost, cannot be regained or replaced, or whose disclosure would cause identifiable damage to the national security.
4. The information pertains to cryptography and thus its continued protection is absolutely essential to the national security.
5. The information could reveal vulnerability or capability data, the unauthorized disclosure of which can reasonably be expected to result in negating or nullifying the effectiveness of a system, installation or project important to the national security.
6. The information concerns plans, operations, or activities important to national security, the unauthorized disclosure of which can reasonably be expected to result in negating or nullifying the effectiveness of the plan, operation or activity, or impeding its orderly implementation.
7. The information concerns foreign relations matters, the continued protection of which is essential to national security.
8. Disclosure of the information would place in [immediate] jeopardy a person important to the national security.

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Enclosure 2

	Level of Classification	Duration of Classification	Justification for Extension Beyond Six Years
(2) Information on foreign nuclear programs, activities, capabilities, technologies, facilities, plans and intentions, weapons and their deployment which could disclose the nature, scope or effectiveness of United States intelligence efforts to monitor nuclear developments abroad, or could cause such efforts to fail or to be restricted in a manner detrimental to national security.			
(2.1) All information that relates to the analysis of foreign nuclear programs, activities, capabilities, technologies, facilities, plans and intentions, weapons and their deployment.	S	20 years- review	Tab A- Item 3
9g. <u>Other categories of information related to the national security and approved by the Director of Central Intelligence</u>			
(1) Information, documents, or materials specifically protected by statute or treaty.			
(1.1) Foreign cartographic, geographic, or environmental information.	C	30 years- review	Tab A- Items 1, 2
(2) Information contained in a compilation of otherwise unclassified material or data which, in the aggregate or by reason of particular arrangement or juxtaposition, may require classification as national security information when assembled and compiled.			
(2.1) Assessments, evaluative comments, derogatory statements or statements on topics that are sensitive to the subject of a report, compiled from unclassified material, but which may when appearing in a report be construed to represent the opinion of the United States Government. (C)	C	20 years- review	Tab A- Item 3

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	Level of Classification	Duration of Classification	Justification for Extension Beyond Six Years
(2.2) Computer listings or bibliographies which contain title references to classified documents, but which titles themselves are marked unclassified, will be classified if those titles have been expanded through the addition of keywords, etc. These expanded titles constitute abstracts and will be classified at the same level as the document.	S	20 years- review	Tab A- Items 3, 5, 6, 7
(2.3) Assessments, reports, and memoranda which produce estimates or conclusions built upon a series of policy scenarios and exploiting wholly unclassified data published by the foreign state. (C)	C	10 years- review	Tab A- Item 7
(2.4) All material that presents estimates of the costs in either foreign currency or dollars of foreign defense activities and includes tables or narrative that describe the production rates for weapons systems, the order-of-battle for forces, the performance characteristics or capabilities of those forces and weapons, the operations and maintenance practices of the forces, the economic resources--oil, manpower, etc.--consumed by the military forces, or some subset of the aforementioned information.	S	20 years- review	Tab A- Item 3
(2.5) Foreign cartographic, geographic, or environmental information.	S	10 years- review	Tab A- Item 3
(2.6) Applications of unclassified technologies or methodologies to specific intelligence problems, the use of which, if revealed, would disclose sensitive Agency activities or interests.	S	20 years- review	Tab A- Items 3, 6

(3) Information which could disclose the nature or substance of confidential advice given to the President of the United States or to the National Security Council by the Director of Central Intelligence.

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	Level of Classification	Duration of Classification	Justification for Extension Beyond Six Years
(3.1) Substantive contributions, memoranda, briefing papers, reports, to include charts, maps and photos, compiled and supplied to the Director of Central Intelligence for use in his role as principal intelligence advisor to the President of the United States.	TS	20 years- review	Tab A- Items 1-7
(3.2) Intelligence produced at the direction of the Director of Central Intelligence specifically for the President of the United States and/or members of the National Security Council.	TS	20 years- review	Tab A- Items 1-7
(4) Information that could reveal the nature or substance of deliberations within the Executive Branch of the United States Government involving policy formulations or other matters relevant to the national security and participated in, or contributed to, by the Director of Central Intelligence or his designated representatives.			
(4.1) Information pertaining to the formulation and implementation of national policy for the control of sensitive compartmented information.	TS	20 years- review	Tab A- Items 3, 4, 5, 6
(4.2) Substantive inputs, memoranda for the record or memoranda of conversations pertaining to Presidential Review Memoranda being drafted or under review by the National Security Council Staff.	S	10 years- review	Tab A- Items 5, 6

(5) Information concerning discussions, negotiations, agreements or relationships between the Director of Central Intelligence or the Central Intelligence Agency and other departments or agencies of the Executive Branch, or the members, committees, and/or staffs of the United States Senate or House of Representatives, or independent establishments or individuals, on matters pertaining to the national security including exchanges of information on, or assessments of, the potential effects of proposed or pending legislation on the missions, functions or activities of the DCI or the CIA.

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Level of Classification	Duration of Classification	Justification for Extension Beyond Six Years
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(5.1) Reserved

(6) Information that could be expected to place an individual in immediate jeopardy.

(6.1) Reserved

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